United Nations A/HRC/35/NGO/138

General Assembly

Distr.: General
12 June 2017

English only

Human Rights Council
Thirty-fifth session
6-23 June 2017
Agenda item 2
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Written statement* submitted by the International Career Support Association, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 May 2017]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.17-09539(E)

Please recycle

Request for Re-investigation of Comfort Women Issue

I am a Japanese researcher who study the comfort women issues described in the Coomaraswamy report in 1996.

At this opportunity, I would like to request reinvestigation of the Comfort Women Issues by a special rapporteur.

The hearing investigation report contains the claims that comfort women had been mutilated and beheaded and so on, but this information originated from the Democratic People's Republic of Korea. This country is a serious threat to the nuclear issue and Human Rights and is well-known for their dissemination of propaganda. Thus, I consider that the report based on the hearings from them is unreliable.

Moreover, with regard to the literature, when further investigating the books which became the basis of it, 74 references exist. On our study of those references, we found that 32 out of them had inaccurate information and more than 200 factual errors. Surprisingly, some of the references originate from comic books. It is a significant problem that Coomaraswamy's investigation was based on literature including comic books and filled with propaganda information.

Certainly, the investigation of the comfort women issue had just started in 1991, so it wasn't researched and studied sufficiently at that time of 1996.

It's depend on old information.

Currently, the groups leading the comfort women issue in the Republic of Korea are managed by the Democratic People's Republic of Korea, and their propaganda information has led Japanese young people to facing bullying in United States of America.

In order to improve the human rights condition of Japanese people, we request more investigations to be conducted. Specifically, we strongly urge the United Nation Human Rights Council to take the initiative in sending a special rapporteur to Japan again and to conduct more detailed hearing and literature investigations.

United Nations A/HRC/35/NGO/139

General Assembly

Distr.: General
12 June 2017

English only

Human Rights Council
Thirty-fifth session
6-23 June 2017
Agenda item 10
Technical assistance and capacity-building

Written statement* submitted by Amnesty International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[07 June 2017]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.17-09540(E)
1709540

Please recycle

Democratic Republic of the Congo: International Commission of Inquiry needed to ensure justice, truth and reparation for human rights violations and abuses in the Kasai region

Violent conflict in the Kasai region of the Democratic Republic of the Congo (DRC), which has forced 1.3 million[1] people to flee their homes, requires urgent and immediate action from the UN Human Rights Council ('the Council'). Hundreds of extrajudicial executions (EJEs) and other crimes under international law committed by the Armed Forces of the Democratic Republic of the Congo (FARDC) have contributed to a conflict now affecting eight provinces in which an estimated 500 to 1,000 people have been killed.

Despite promises made by the DRC government[2], national investigations into these human rights violations and abuses, including 42 mass graves confirmed by the UN[3], have not been initiated or proven credible. Given the lack of credible investigations by Congolese authorities, Amnesty International urges the UN Human Rights Council to establish an international Commission of Inquiry, or similar investigative mechanism, into the situation in the central Kasai region during the 35th session of the Council.

Lack of credible investigations at the national level

Amnesty International visited Kinshasa between 15 and 20 May 2017 and met with the Office of the Military Prosecutor General (MPG), the Minister of Justice, the Minister for Human Rights, UN officials, a range of diplomatic missions and humanitarian workers.

Based on information gathered, Amnesty International found that concrete investigations had only been initiated in relation to two incidents. Both investigations have been closed by the MPG and transferred to the Kananga Garrison Military Court and the Military Court of Mbuji Mayi for trial. These military courts should not exercise jurisdiction over crimes under international law or human rights violations, and appear unable to provide justice to victims. Neither investigation was transparent nor credible. Investigations into these two incidents alone do not respond to the large scale of violations documented by the UN Joint Human Rights Office (UNJHRO).

Consequently, Amnesty International believes that an international investigation is urgently needed to ensure accountability and deter further human rights violations and abuses.

Incidents that require investigation

Amnesty International research has highlighted a number of incidents that would benefit from an independent, international investigation, including:

The killing of Jean-Pierre Mpandi on 12 August 2016

Jean-Pierre Mpandi, who claimed the hereditary title of Kamuena Nsapu, was killed following clashes between security forces and rebel fighters in August 2016. Following this, the UN reported on human rights abuses by "local militia" under the command of customary chiefs, as well as human rights violations by security forces, particularly the FARDC, including EJEs, arbitrary arrests, incommunicado detention and cruel, inhumane or degrading treatment of several "civilians suspected of collaborating with the militia" between August and September 2016.[4]

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[1] UNOCHA, DRC: Situation Report n.6, 12 May 2017, http://reliefweb.int/report/democratic-republic-congo/urgence-complexe-dans-la-r-gion-du-kasa-rd-congo-rapport-de.

[2] Human Rights Council discusses the situation of human rights in the Democratic Republic of the Congo and in Sri Lanka, 22 March 2017, http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21432&LangID=E.

[3] OHCHR, DRC: Further mass graves and killings discovered in Kasais, says Zeid, 19 April 2017, http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21511&LangID=E#sthash.ssd3qXDu.dpuf , Interview with UNJHRO, 18 May 2017.

[4] UNHJRO, Analysis of the human rights situation in October 2016.

The death of Jean-Pierre Mpandi sparked an increase in violence in the region. The MPG and the magistrate with territorial jurisdiction over Mpandi's killing both confirmed to Amnesty International that the military has not opened a judicial investigation into this incident.

EJEs in Mwanza Lomba

On 17 February 2017, a video leaked online showed soldiers executing seemingly unarmed Kamuena Nsapu followers. Initially, the DRC government spokesperson denied the video was filmed in the DRC and called it a "montage aimed at undermining the reputation of DRC's security forces."[5] Following statements by the UN, the US, the European Union and France, the MPG opened an investigation. On 19 May 2017, the MPG declared the investigation closed and transferred the file to the military court in Kasai Oriental. Seven FARDC soldiers were charged with the war crimes of murder, mutilation, inhuman treatment, as well as refusal to denounce an offence.

During the investigation, the MPG announced that it had uncovered graves linked to these EJEs.[6] The MPG indicated the need for technical expertise from the UN to investigate the graves and identify the victims. However, the Military Prosecution exhumed the graves without the UN present and concluded they were individual graves of Kamuena Nsapu fighters who died during armed confrontations. They have not shared any information about the identities or the causes of death of the bodies exhumed.

Massacres and mass graves

Between December 2016 and March 2017, the UNJHRO documented hundreds of EJEs and 42 mass graves. To date, the following massacres have yet to be investigated:

- On 10 February 2017, during an operation in Tshimbulu, the FARDC killed at least 40 presumed members of the Kamuena Nsapu, mostly unarmed or armed with machetes and knifes.[7]

- On 14 March 2016, at least 39 people, including at least 11 minors, were killed by soldiers of the 2101st FARDC Regiment, and elements of the Congolese Légion nationale d'intervention (LENI), during an operation against individuals allegedly linked to the Kamuena Nsapu "militia" in the Nganza and Ndesha neighbourhoods of Kananga.[8]

- Between 28 and 30 March 2017, the FARDC conducted a door-to-door operation in search of presumed Kamuena Nsapu members in the Nzanga neighbourhood of Kananga. At least 50 people, including 15 women and 12 children, were killed by FARDC soldiers, most of them shot in their homes. Three women and two girls were raped by FARDC soldiers during the operation.[9]

There have been no investigations into the mass graves. The lack of measures taken to secure the sites means that evidence of human rights violations and abuses might be tampered with.

Killing of the two UN experts and disappearances of their four Congolese colleagues

On 19 May 2017, the MPG announced the closure of investigations into the killings of the two UN experts, Michael Sharp and Zaida Catalan. Following conversations with different magistrates involved in these investigations, it seems that crucial information is missing in the military prosecution dossiers, undermining the credibility of the forthcoming trial.

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[5] The New York Times, *'Look, They Are Dying': Video Appears to Show Massacre by Congolese Soldiers*, 17 February 2017, https://www.nytimes.com/2017/02/17/world/africa/democratic-republic-congo-massacre-video-.html?mwrsm=WhatsApp&_r=2.

[6] Press conference by Military Prosecutor General, Kinshasa, 18 March 2017 (transcript on record). Radio France Internationale, *Massacre de Mwanza Lomba en RDC: la justice militaire arrete sept soldats*, 18 March 2017 http://www.rfi.fr/afrique/20170318-rdc-arrestation-militaires-affaire-video-execution-kamuina-nsapu

[7] UNHJRO, Analysis of the human rights situation in February 2017.

[8] UNHJRO, Analysis of the human rights situation in April 2017.

[9] Ibid.

Amnesty International is concerned about the decision to separate the investigation of the killing of the two UN experts from the investigation of the disappearance of their Congolese translator and three drivers. While the MPG said investigations into the disappearances of the four Congolese continue, magistrates told Amnesty International on 16 May, more than two months after their disappearances, that they had still not established the identity of the three drivers.

Amnesty International is also concerned by inconsistent reports from different government officials. On 10 April 2017, the Government Spokesperson told Amnesty International that the body of Betu Tshintela was found together with those of the experts and identified by his family. This information was subsequently denied by the MPG. To date, the fate and whereabouts of the four is unknown and it is unclear whether the same perpetrators were responsible. This raises concerns about justice for the four Congolese and demonstrates a gap in investigations regarding the killing of the two UN experts.

The MPG decided to start the trial while 14 of 16 alleged suspects are still at large. The Minister of Justice told Amnesty International that "they had located the others, but wanted to wait to arrest them, to avoid causing too much damage." Similarly, the MPG said during a press conference on 20 May 2017 that it knew the location of the person in possession of Zaida Catalan's head.

Amnesty International regrets the decision of the government, in collaboration with the MPG, to show the video of the killings of the two UN experts to the diplomatic community and media in Kinshasa. This recording constitutes evidence in an ongoing investigation and should not have been made public, as doing so could harm the investigation and traumatise the victims' families. Amnesty International has also received varying accounts of how the video was obtained.

Recommendation to the UN Human Rights Council

In light of the above concerns, Amnesty International strongly urges the UN Human Rights Council to establish a Commission of Inquiry, or a similar investigative mechanism, into crimes under international law and other human rights violations and abuses in the Kasai region. An independent international investigation that is well-resourced is crucial to bring justice to the victims and end the spiral of violence.

United Nations A/HRC/35/NGO/140

General Assembly

Distr.: General
12 June 2017

English only

Human Rights Council
Thirty-fifth session
6-23 June 2017
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by Amnesty International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[08 June 2017]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.17-09542(E)
1709542

Please recycle

Turkey: deterioration of human rights must be addressed by the United Nations Human Rights Council

Almost a year since the coup attempt of July 2016, human rights enjoyment is under attack in Turkey. While the deterioration of the human rights situation in Turkey is not new, the scale of the current crackdown and its impact have been described as unprecedented by Amnesty International and other domestic and international organizations.

The authorities have extended the initial three-month period of the state of emergency three times and widened its scope from countering the coup attempt to "combating terrorist organizations." It is currently due to run until 19 July 2017. President Erdoğan has indicated that it may be extended beyond this date.

ARBITRARY DETENTION AND TORTURE

Since the failed coup, more than 47,000 people have been remanded in pre-trial detention.[1] Amnesty International has documented cases of individuals being held in arbitrary pre-trial detention without evidence of criminal behaviour.[2] Extended pre-trial detention is a significant problem in cases relating to people's use of their right to freedom of expression, as can be seen from the prosecution of journalists (see crackdown on media freedom below).

There has been an increase in allegations of torture and ill-treatment of those in police detention following the failed coup attempt. The increase in such cases has partially been facilitated by legal amendments introduced through the state of emergency which suspend key safeguards that protect detainees from torture and other ill-treatment. The first decree under the state of emergency increased the length of time detainees can be held without charge from four to 30 days and granted law enforcement the power to record and transmit conversations between clients and lawyers in pre-trial detention. [3] In January the pre-charge detention period was reduced to seven days, extendable by a further seven days via executive decree no. 684[4]. According to credible allegations received by Amnesty International, provisions that allow remand prisoners to be brought back to police custody have been used to facilitate torture and ill-treatment.

In the aftermath of the coup attempt, Amnesty International gathered evidence of beatings and torture in official and unofficial places of detention.[5] The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) visited Turkey in August 2016 and reported to the Turkish authorities in November. The Turkish authorities have not given permission for the CPT report to be made public.[6] The UN Special Rapporteur on Torture carried out a visit to Turkey in November 2016, during which he was granted unrestricted access to a limited number of detention facilities.[7] His full report is due to be presented at the Human Rights Council in March 2018.

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1 *Süleyman Soylu toplam rakamı açıkladı* http://www.hurriyet.com.tr/suleyman-soylu-toplam-rakami-acikladi-40415050.

2 See Amnesty International, Turkey: Independent monitors must be allowed to access detainees amid torture allegations https://www.amnesty.org/en/latest/news/2016/07/turkey-independent-monitors-must-be-allowed-to-access-detainees-amid-torture-allegations/?utm_source=rss&utm_medium=rss.

3 Decree no. 667, issued on 22 July 2016. Available at http://www.resmigazete.gov.tr/eskiler/2016/07/20160723.pdf.

4 Decree no. 684, issued on 23 January 2017. Available at http://www.resmigazete.gov.tr/eskiler/2017/01/20170123-3.htm.

5 See https://www.amnesty.org/en/latest/news/2016/07/turkey-independent-monitors-must-be-allowed-to-access-detainees-amid-torture-allegations/.

6 See https://www.amnesty.org/en/documents/eur44/4798/2016/en/.

7 Preliminary observations and recommendations of the United Nations Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, Mr. Nils Melzer on the Official visit to

MASS ARBITRARY DISMISSALS WITHOUT DUE PROCESS

More than 100,000 public sector employees have been arbitrarily dismissed under state of emergency decrees.[8] These include members of the armed forces, police officers, teachers, doctors, academics and people working at all levels of central and local government. The main target of the purge are people perceived to be followers of Fethullah Gülen, the head of the Gülen movement, whom the government holds responsible for the coup attempt, referring to them as the "Fetullahist Terrorist Organization" (FETÖ). However, a much wider group of people has been targeted. Dismissed individuals who spoke to Amnesty International denied links to terrorism or any other wrongdoing. They allege that they have been targeted primarily because of their real or perceived opposition to the ruling Justice and Development Party (AK Party) government. Assessing why individual dismissals took place is impossible, as none of those affected has been provided with any evidence of their alleged wrongdoing. The decrees simply offered the generalized justification that all the individuals listed in them were "...part of, connected to or in communication with a terrorist organization."[9] Relevant public administrators have not presented any justification for the individual dismissals, nor have the individuals affected been able to obtain such information since their dismissals. The blanket nature of the dismissals and the fact those affected include trade union, political or human rights activists and known critics of the government from conservative sections of society, and the context of the broader crackdown on dissent, increase concerns that many dismissals were arbitrary, unfair and/or politically motivated.

The dismissals have had a devastating impact on those affected and their families. Public sector employees have lost their current jobs; and been expelled from public service, meaning that many have been prevented from continuing their chosen professions. Others have lost housing and healthcare benefits. The stigma of being branded a "terrorist" weighs heavily on those affected and their families, complicating their situation further. Dismissed public sector employees have also been prevented from seeking employment abroad, as the decrees require the cancelation of their passports.

The uncertain future for dismissed public sector employees is heightened by the absence of any effective means for them to challenge their dismissals. An ad hoc commission is to begin assessing these cases and the closure of institutions under the state of emergency, but its seven officials will lack both the independence and capacity to make the mechanism effective. Of the seven members, three are chosen by the office of the Prime Minister, one each by the Ministries of Justice and Interior and two by the High Council of Judges and Prosecutors (HSYK, the highest judicial body) - all institutions that were responsible for initial dismissal decisions. Furthermore, in order to process the caseload, the members will have to take hundreds of decisions per day during their proposed two-year mandate.

To date, the European Court of Human Rights has rejected cases brought by dismissed individuals on the basis that they have not exhausted domestic remedies against their dismissal.[10]

Turkey – 27 November to 2 December 2016.
http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20976&LangID=E.

8 Amnesty International, *No end in sight – Purged public sector workers denied a future in Turkey*
https://www.amnesty.org/en/documents/eur44/6272/2017/en/.

9 Article 4 of decree no. 667, issued on 22 July 2016. Available at
http://www.resmigazete.gov.tr/eskiler/2016/07/20160723.pdf.

10 See European Court of Human Rights, 8 December 2016, *A teacher dismissed by emergency legislative decree after the failed coup d'état did not exhaust domestic remedies*
http://hudoc.echr.coe.int/app/conversion/pdf?library=ECHR&id=003-5571467-7027985&filename=Decision%20Zihni%20v.%20Turkey%20-%20dismissal%20of%20a%20teacher%20by%20emergency%20legislative%20decree.pdf

MASSIVE CRACKDOWN ON MEDIA FREEDOM

Freedom of expression and dissenting media have been heavily restricted by the crackdown. Since the attempted coup, over 156 media outlets have been permanently shut down by successive emergency decrees. Over 120 journalists and other media workers are currently imprisoned pending trial; some have been held for up to ten months. The Committee to Protect Journalists estimates that Turkey is the biggest jailer of journalists worldwide, as almost a third of the global total of imprisoned journalists behind bars are in Turkey's jails.[11] Amnesty International considers that the routine and lengthy pre-trial detention of journalists and other media workers in Turkey is tantamount to punishment without conviction. People expressing dissent, especially in relation to the Kurdish issue, have been subjected to threats of violence and criminal prosecution.

Vague anti-terrorism laws, such as those prohibiting membership of, or making propaganda for, a terrorist organization, are being used to prosecute journalists and media workers. All dissenting sections of the media have been targeted, including those focusing on the Kurdish issue, those accused of supporting the exiled cleric Fethullah Gülen, and the secular media.[12]

RECOMMENDATIONS

In light of the above concerns, Amnesty International calls on the UN Human Rights Council to urge the Turkish authorities to:

- Allow unhindered access to the Office of the High Commissioner for Human Rights to conduct a fact- finding mission;
- Grant permission for the CPT's report on its 2016 mission to Turkey to be published, and commit to allowing regular independent monitoring of places of detention;
- End the use of arbitrary, extended and punitive pre-trial detention;
- Release journalists from pre-trial detention and drop the charges against them, unless there is clear evidence that an internationally recognizable crime has been committed;
- End the arbitrary dismissals of public sector officials under state of emergency decrees and establish an independent, impartial, transparent and effective appeal mechanism through which public sector employees can challenge dismissal from their jobs and expulsion from public service.

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11 Committee to Protect Journalists, *Turkey's crackdown propels number of journalists in jail worldwide to record high* https://cpj.org/reports/2016/12/journalists-jailed-record-high-turkey-crackdown.php

12 Amnesty International, *Journalism is not a crime – Crackdown on media freedom in Turkey.* https://www.amnesty.org/en/documents/eur44/6055/2017/en/